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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON
NOV 12 2019
SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

12 UNITED STATES DISTRICT COURT
13 FOR THE EASTERN DISTRICT OF WASHINGTON

14 UNITED STATES OF AMERICA,

15 Plaintiff,

16 v.

17 WILLIAM M. HARP,

18 Defendant.

19 Case No.: 1:19-cr-2051-MKD
20 ~~1:19-po-08136-MKD~~

21 ~~[proposed]~~

22 ORDER APPROVING
23 UNSUPERVISED PRETRIAL
24 DIVERSION AGREEMENT AND
25 CONTINUING THE CASE

26 The Court, having read and considered the parties' Unsupervised Pretrial
27 Diversion Agreement (the "Agreement"), and being fully advised of the facts and
28 circumstances of this case, makes the following findings of fact:

1. Defendant has agreed to comply with the terms and conditions of the
Agreement.

1 2. Defendant has acknowledged that the facts as set forth in the Factual
2 Basis of the Agreement are true and constitute a sufficient factual basis to support
3 judicial findings of guilt on the charged violation, without further factual inquiry.

4 3. Defendant's statements have been made knowingly and voluntarily.

5 4. Defendant has knowingly and intelligently waived the constitutional
6 and statutory rights set forth in the Agreement.
7

8 THEREFORE, GOOD CAUSE HAVING BEEN SHOWN, THE COURT
9 ORDERS THE FOLLOWING:
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11 1. The Court ACCEPTS and APPROVES the Agreement without
12 making any conclusions regarding the Factual Basis at this time. The Agreement
13 will be entered on the Court's docket as of the date of this Order.

14 2. The Court ACCEPTS and APPROVES Defendant engaging in
15 unsupervised pretrial diversion from the date of entry of this Order for eight
16 months from the date of entry of this Agreement onto the Court's docket, pursuant
17 to the terms of the Agreement.

18 3. Defendant shall comply with all the terms and conditions set forth in
19 the Agreement.

20 4. If, within eight months of the entry of the Agreement onto the Court's
21 docket, the Court finds that Defendant has violated any term of this Agreement, the
22 Court may revoke Defendant's diversion, enter judgment, and proceed to
23 sentencing on the offense charged in the Violation Notice without any further
24 factual inquiry into the offense.

25 5. All hearings in this case are continued to the first Petty Offense docket
26 in Yakima, Washington, that takes place more than eight months from the entry of
27 the Agreement onto the Court's docket. If Defendant complies with the terms of
28 the Agreement, the Court will entertain an unopposed motion to dismiss the case

1 with prejudice, after that date, without a hearing. If the United States alleges that
2 Defendant has failed to comply with the terms of the Agreement prior to that date,
3 the Court may conduct a hearing on the alleged violation of the Agreement, at the
4 Court's convenience.

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6 11-12-19
7 _____
8 Date

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11 _____
12 Hon. Mary K. Dimke John T. Rodgers
13 United States Magistrate Judge
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